

REMARKS

By this Amendment, Applicants propose amending claims 142-149, 151-155, 157-163, 166-172, and 175, adding claims 176-179, and canceling claims 65 and 156. Accordingly, upon entry of this Amendment, claims 142-155 and 157-179 will be pending in this application. No new matter will be introduced by this Amendment.

Applicants thank Examiners Sircus and Kaplan for the courtesy of the personal interview with Applicants' representatives held on January 25, 2007. The amendments to the claims provided above and the following remarks are consistent with the issues discussed and agreements reached during the interview.

New dependent claims 176 and 177, which depend on independent claims 144 and 148, respectively, state that "the coupling of the plurality of power generating devices to the outer surface of the housing includes electrically coupling the plurality of power generating devices to the outer surface of the housing." New dependent claims 178 and 179, which depend on independent claims 159 and 172, respectively, state that "the plurality of coupling components includes at least one coupling component configured to electrically couple at least one of the power generating devices to the outside surface of the housing." Support for these new claims can be found at least in Fig. 17 and ¶¶ 46, 58, 62, and 73 of the specification.

In the outstanding Office Action, the drawings were objected to; claims 152, 155, 156, 167, and 172 were objected to; claims 143, 145, 151, 152, 155, 166, 167, 169, 170, and 175 were rejected under 35 U.S.C. § 112, first paragraph; claims 146, 160, 167, and 172-175 were rejected under 35 U.S.C. § 112, second paragraph; claims 65, 142, 143, 145-147, 154, 156-158, 160, 161, 169, and 171 were rejected under 35

U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,350,138 to Culbertson et al. ("Culbertson"); "STS-75," <http://science.ksc.nasa.gov/shuttle/missions/sts-75/mission-sts-75.html>, 1996 ("STS-75"); claims 144, 148-150, 153, 159, 162-165, and 168 were objected to as being dependent on a rejected base claim; and claims 172-175 were indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all the limitations of the base claim and any intervening claims.

The drawings were objected to for not showing every feature specified in the claims. Specifically, the Office Action contends that the drawings do not show "the housing with multiple poles, supplemental poles, and wind powered generating devices, wherein one is coupled to each pole and supplemental pole, as claimed in claims 152 and 167" (p. 2 of the Office Action mailed November 3, 2006). Applicants submit that claims 152 and 167 are clearly depicted in Fig. 15 of this application. Fig. 15 identifies the pole assemblies 22 and supplemental pole assemblies 136, each coupled to a power generating device. Support for claims 152 and 167 may also be found at least in ¶ 69 of the specification, which states, "As illustrated in Fig. 15, multiple supplemental pole assemblies 136 may be coupled in a series fashion to the pole assembly 22 to form an array of pole assemblies 147 extending from the housing 12. Consequently, a number of wind powered generating devices 24... may be coupled to extend from the housing 12 of the mobile power system 10." Fig. 1 also shows a wind power generating device 24 coupled to a pole assembly 22, as described in ¶ 36 of the specification. Accordingly, Applicants request that this objection to the drawings be withdrawn.

The Office Action also contends that the drawings do not show “the power generating devices coupled so they extend in at least four different directions from the housing, as claimed in claims 155, 170, and 175” (p. 2 of the Office Action mailed November 3, 2006). Applicants respectfully disagree and refer to Figs. 1 and 15 that each show a plurality of power generating devices, such as solar power generating devices 16 and wind power generating devices 24, extending in at least four different directions from the housing 12. For example, even looking only at the solar power generating devices 16 illustrated in Fig. 1, it is clear that they extend *from* the housing in four different directions. Accordingly, Applicants request that this objection to the drawings be withdrawn.

Regarding the objections to claims 152, 155, 156, 167, and 172, Applicants propose amending the claims as follows to address the informalities noted in the Office Action. Applicants propose amending claim 152 to recite “coupling a wind power generating device to *the* at least one pole and *the* at least one supplemental pole” (emphasis added) to avoid any confusion by using the word “each” in the claim and to maintain consistency between the claims. Applicants propose amending claim 155 for clarity to recite “coupling *the plurality of power generating devices* to the housing to extend in at least four different directions from the housing” (emphasis added). Applicants propose canceling claim 156 without prejudice and note that claims 159, 162, 163, and 168, which have been amended to be in independent form including the general subject matter of claim 156, recite “coupled to.” Applicants propose amending claim 167 to recite “a wind power generating device coupled to *the* at least one pole and *the* at least one supplemental pole” (emphasis added) to maintain consistency between

the claims. Applicants propose amending claim 172, as suggested by the Office Action, to recite "wherein the coupling of" in line 7 and "the storing including" in line 19. Accordingly, Applicants request that the objections to claims 152, 155, 156, 167, and 172 be withdrawn.

Regarding the objection of claim 169 under 37 C.F.R. 1.75(c), Applicants propose amending claim 169 to recite that "the plurality of power generating devices are coupled *directly* to at least three locations on the housing" (emphasis added). Accordingly, Applicants submit that claim 169 further limits claim 159 and request that the objection to claim 169 under 37 C.F.R. 1.75(c) be withdrawn.

Regarding the rejections of claims 143 and 145 under 35 U.S.C. § 112, first paragraph, the Office Action contends that the specification does not describe a plurality of flush outer sides, and... what the outer sides are substantially flush with respect to" (p. 4 of the Office Action mailed November 3, 2006). Applicants propose amending claim 143 to delete the objected-to claim language and amending claim 145 to recite "a shipping condition within ISO standards for shipping." This amended language was submitted in the originally filed claims and was not objected to in the first Office Action. Support for this amendment can be found at least in ¶¶ 53-55 and 79 of the specification and claims 57, 77, and 137 as originally filed. Accordingly, Applicants request the rejections of claims 143 and 145 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Regarding the rejections of claims 151 and 166 under 35 U.S.C. § 112, first paragraph, the Office Action contends that the specification does not disclose the pole and supplemental pole being separated, or a predetermined distance" (pp. 4-5 of the

Office Action mailed November 3, 2006). Applicants propose amending claims 151 and 166 to recite “the at least one pole being positioned at a predetermined distance from the at least one supplemental pole by a pole coupling assembly.” Support for these amendments can be found at least in Fig. 14 and ¶ 68 of the specification. Accordingly, Applicants request the rejections of claims 151 and 166 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Regarding the rejections of claims 152 and 167 under 35 U.S.C. § 112, first paragraph, the Office Action contends that “the specification does not describe more than one pole, supplemental pole, or wind powered generating device” (p. 5 of the Office Action mailed November 3, 2006). Applicants respectfully traverse this rejection. Fig. 1 of this application illustrates a wind power generating device 24 coupled to a pole assembly 22, and as described in ¶ 36 of the specification, “one or more pole assemblies 22 may be mounted vertically to a corner or corners of the housing 12 for supporting, for example, a wind powered generating device 24....” Furthermore, as described in ¶ 69 of the specification, Fig. 15 illustrates that “multiple supplemental pole assemblies 136 may be coupled in a series fashion to the pole assembly 22 to form an array of pole assemblies 147 extending from the housing 12.” As shown in Fig. 15, multiple supplemental pole assemblies 136 may be coupled to a pole assembly 22 at each corner of the housing 12, and wind power generating devices 24 may be attached to each supplemental pole assembly 136 and pole assembly 22. In view of this, the originally filed specification supports the subject matter of claims 152 and 167. Accordingly, Applicants request the rejections of claims 152 and 167 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Regarding the rejections of claims 155, 170, and 175 under 35 U.S.C. § 112, first paragraph, the Office Action contends that “[t]he specification does not describe the wind and/or solar power generating devices extending in at least four different directions from the housing” (p. 5 of the Office Action mailed November 3, 2006). Applicants propose amending claims 155 and 175 for clarity to recite “coupling the plurality of power generating devices to the housing to extend in at least four different directions from the housing” and amending claim 170 to recite that “the plurality of power generating devices extends in at least four different directions from the housing.” As shown in Figs. 1 and 15, a plurality of power generating devices, which may include solar power generating devices 16 and/or wind power generating devices 24, extends in at least four different directions from the housing 12. For example, even looking only at the solar power generating devices 16 illustrated in Fig. 1, it is clear that they extend *from* the housing in four different directions. In view of this, Applicants submit that claims 155, 170, and 175 are supported and clear. Accordingly, Applicants request the rejections of claims 155, 170, and 175 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Regarding the rejection of claim 169 under 35 U.S.C. § 112, first paragraph, the Office Action contends that “the specification does not appear to describe coupling the plurality of power generating devices to at least three surfaces of the housing” (p. 5 of the Office Action mailed November 3, 2006). Applicants propose amending claim 169 to recite that “the plurality of power generating devices are coupled directly to at least three *locations* on the housing” (emphasis added). The specification, e.g., ¶¶ 40-43, describes and Figs. 1, 10-12, and 16 illustrate the coupling of the brackets 14 to the

housing 12 and attaching the solar power generating devices 16 to the brackets 14. As shown in Figs. 1, 10-12, and 16, the solar power generating devices 16 may be attached to the top surface 36, at least one side surface 38, and/or at least one end surface 37. In addition, the specification, e.g., ¶¶ 64-65, describes and Fig. 13 illustrates the coupling of the pole assembly 22 to the housing 12 for attaching the wind power generating devices 24 to at least one side surface 38 and/or at least one end surface 37. Thus, the specification describes coupling the plurality of power generating devices 16, 24 directly to at least three locations on the housing 12. Accordingly, Applicants request the rejection of claim 169 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Regarding the rejections of claims 146, 160, and 172-175 under 35 U.S.C. § 112, second paragraph, the Office Action contends that the phrase “substantially all components” renders the claim indefinite (p. 6 of the Office Action mailed November 3, 2006). Applicants propose amending claims 146, 160, and 172 to remove “substantially all.” In view of this, Applicants submit that claims 146, 160, and 172-175 are sufficiently clear and request the rejections of claims 146, 160, and 172-175 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Regarding the rejection of claim 167 under 35 U.S.C. § 112, second paragraph, the Office Action contends that the claim is not clear. Applicants propose amending the claim to recite that “the plurality of power generating devices includes a wind power generating device coupled to the at least one pole and the at least one supplemental pole.” In view of this, Applicants submit that claim 167 is sufficiently clear and request the rejection of claim 167 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Regarding the rejection of claims 65, 142, 143, 145-147, 154, 156-158, 160, 161, 169, and 171 under 35 U.S.C. § 103(a) as being unpatentable over Culbertson in view of STS-75, Applicants propose canceling claim 65, amending claim 144 to be in independent form to incorporate the general subject matter of claim 65, and amending claims 142, 143, 145-147, and 154 to depend from claim 144. Applicants also propose canceling claim 156, amending claim 159 to be in independent form to incorporate the general subject matter of claim 156, and amending claims 157, 158, 160, 161, 169, and 171 to depend from claim 159.

The Office Action states that claims 144, 148-150, 153, 159, 162-165, and 168 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and that claims 172-175 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims (pp. 8-9 of the Office Action mailed November 3, 2006). As described above, Applicants propose amending claims 144 and 159 to be in independent form including the general subject matter of claims 65 and 156, respectively. Although claim 159 previously depended on claims 156 and 158, Applicants propose amending claim 159 to only include the general subject matter claim 156 since claim 159 includes similar subject matter as recited in claim 144, which the Office Action indicated as being allowable. In addition, Applicants propose amending claims 148, 149, and 153 to be in independent form including the general subject matter of claim 65 and amending claims 162, 163, and 168 to be in independent form including the general subject matter of claim 156. Claim 155 has also been rewritten in independent form including the general subject matter of claim 65 and

to overcome the objection and rejection under 35 U.S.C. § 112, first paragraph.

Furthermore, as described above, claims 172-175 have been rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph.

By incorporating the general subject matter of the allowed claims into pending independent claims, the independent claims should be allowed.

Claims 142, 143, 145-147, 150-152, 154, 157, 158, 160, 161, 164-167, 169-171, and 173-179 are allowable at least due to their dependency from independent claims 144, 149, 159, and 172. In addition, each of claims 142, 143, 145-147, 150-152, 154, 157, 158, 160, 161, 164-167, 169-171, and 173-179 recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 142-155 and 157-179 in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing amendments and remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

If the Examiner believes a telephone conversation might advance prosecution,
the Examiner is invited to call Applicants' undersigned attorney at 202-408-4469.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 26, 2007

By: 

Roland G. McAndrews
Reg. No. 41,450